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9 Chapter 7 Trustee

10 **UNITED STATES BANKRUPTCY COURT**  
11 **EASTERN DISTRICT OF CALIFORNIA**  
12 **SACRAMENTO DIVISION**

13 In re:

14 15 DAVID M. HOWELL,

16 17 Debtor.

18 Case No. 18-24014-D-7  
19 Chapter 7

20 DNL-1

21 **DECLARATION OF J. LUKE HENDRIX IN SUPPORT OF APPLICATION TO**  
**EMPLOY DESMOND, NOLAN, LIVAICH & CUNNINGHAM PURSUANT TO AN**  
**HOURLY FEE AGREEMENT**

22 I, J. Luke Hendrix, declare as follows:

23 1. I am an attorney at law duly licensed to practice before the United States  
24 Bankruptcy Court for the Eastern District of California, and a member of the law firm of  
25 DESMOND, NOLAN, LIVAICH & CUNNINGHAM ("DNLC"), proposed attorneys for  
26 J. MICHAEL HOPPER ("Trustee"), in his capacity as the Chapter 7 trustee for the bankruptcy  
27 estate of DAVID M. HOWELL ("Debtor").

1       2. Unless stated otherwise, I have personal knowledge of each of the facts set forth  
2 in this declaration, and if called to testify as a witness, I could and would competently do so.

3       3. The Trustee and DNLC agree that an hourly fee is in the best interest of the estate  
4 due to the nature of services DNLC will provide. A true and correct copy of the fee agreement is  
5 filed herewith as **Exhibit A**.

6       4. DNLC has conducted a conflicts check. The names checked by DNLC's  
7 administrative staff include the names of the Debtor, the United States Trustee, and the names of  
8 all of the persons or entities listed on the creditors' mailing matrix.

9       5. I wish to disclose that DNLC currently represents and has in the past represented  
10 the Trustee in matters unrelated to the Debtor's case. DNLC also currently represents and has in  
11 the past represented other bankruptcy trustees in connection with their duties in matters unrelated  
12 to this case. The United States Trustee and persons employed by the Office of the United States  
13 Trustee have also been involved in those matters.

14       6. Capitol One is listed as a creditor in this case. Certain members of DNLC have,  
15 or have had, credit accounts with Capitol One.

16       7. Discover Bank is listed as a creditor in this case. Certain members of DNLC  
17 have, or have had, credit accounts with Discover Bank.

18       8. Except as set forth above, DNLC and its members have no connections with the  
19 Debtor, creditors, any other party in interest, their respective attorneys and accountants, the  
20 United States Trustee, or any person employed in the office of the United States Trustee.

21       I declare under penalty of perjury under the laws of the State of California, that the  
22 foregoing is true and correct.

23       Executed this 25<sup>th</sup> day of July 2018, at Sacramento, California.

24         
25       J. LUKE HENDRIX